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10/658,266	09/10/2003	Yutaka Egawa	117124	4007

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EXAMINER	
MENDOZA, JUNIOR O	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,266	EGAWA ET AL.	
	Examiner	Art Unit	
	JUNIOR O. MENDOZA	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 9-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 9-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 – 5 and 9 – 13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. **Claims 2 and 5** are objected to because of the following informalities: The applicant discloses "… a E-mail unit configured…", which should be change to "… an E-mail unit configured …".

Appropriate correction is required.

Double Patenting

3. **Claim 1** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 10/658,768 in view of Goode et al. (Patent No 6,166,730) further in view of Alcorn et al (Pub No US 2006/0168233). Claim 1 of the instant application reads on all of the limitations of claim 1 of the corresponding copending application 10/658,768 except for an edit client and a manage unit.

Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102); moreover, Goode discloses that the network

management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "wherein the distribution server comprises a manage unit configured to manage an extent information that indicates an extent of browsing the content for each user receiving distribution of the content through the browse client".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the instant application by specifically providing the elements mentioned above, as taught by Goode, for the purpose of managing the information received regarding to each user's activities, which helps a management unit keep track and a record of how the distribution server is being used.

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on "an edit client configured to access the distribution server and edit the content retained and managed by the distribution server"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the instant application by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

This is a provisional obviousness-type double patenting rejection.

4. **Claim 9** is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6 and 7 of copending Application No. 10/658,768 in view of Goode et al. (Patent No 6,166,730) further in view of Alcorn et al (Pub No US 2006/0168233). Claim 9 of the instant application reads on all of the limitations of claims 6 and 7 of the corresponding copending application 10/658,768 except for an edit client and a manage unit.

Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102); moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "counting an extent to which a user has played back the video data and updating extent information indicating the extent counted and transmitting the extent information to the distribution server".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the instant application by specifically providing the elements mentioned above, as taught by Goode, for the purpose of managing the information received regarding to each user's activities, which helps a management unit keep track and a record of how the distribution server is being used.

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph

[0100] also exhibited on fig 39, which reads on "granting edit rights to add, delete and change the content including the video data; accessing the distribution server and editing the content retained and managed by the distribution server"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the instant application by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

This is a provisional obviousness-type double patenting rejection.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 1 – 5 and 9 – 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Goode et al. (Patent No 6,166,730) in view of Alcorn et al (Pub No US 2006/0168233). Hereinafter referenced as Goode and Alcorn, respectively.

Regarding **claim 1**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on "a distribution server configured to distribute content including video data to a browse client".

Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1; moreover, Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1, which reads on "a browse client configured to receive the distributed content and to play back the video data included in the content onto a display screen thereof".

Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager

(106) and the information server (102); moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "wherein the distribution server comprises a manage unit configured to manage an extent information that indicates an extent of browsing the content for each user receiving distribution of the content through the browse client".

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on "an edit client configured to access the distribution server and edit the content retained and managed by the distribution server"

Alcorn discloses that administrators control security permissions and enable/ disable features for numerous user roles, including an instructor user, paragraph [0021] and [0100] also exhibited on fig 39, where the instructor user is provided with an access level to enable the creation and editing of a plurality of course files associated with each course, paragraph [0021], where the course files include audio and video clips [0095], which reads on "the edit client having an edit unit configured to allow a user granted edit rights to add, delete and change the content including the video data"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers /

students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

Regarding **claim 2**, Goode fails to explicitly disclose a register unit, an E-mail unit and that the distribution server comprises a transmit unit.

Alcorn discloses an academic web resource which includes a web page that enables the instructor to create or delete accounts for students to have access to class content, paragraph [0149], [0150] and [0151] also exhibited on fig 39, which reads on "a management client, wherein the management client comprises: a register unit configured to register a user for browsing the content with the browse client".

Alcorn discloses an E-mail function displayed on the web resources page, which allows E-mail communication between the administrator, instructor and student users, paragraph [0077], [0115] and [0137] also exhibited on fig 39, which reads on "an E-mail unit configured to create and send an E-mail to each user".

Alcorn discloses that the instructor user has access to a log manager (157) and access manager (152) on the education support system (100) through an internet connection, paragraph [0073] also exhibited on figures 1 and 39, which reads on "wherein the distribution server comprises a transmit unit configured to transmit the extent information to the management client for providing management information".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements

mentioned above, as taught by Alcorn, for the purpose of providing a technique to register new users that can have access to the distribution server, which allows a business to expand by adding more customers and in conscience increase their revenues.

Regarding **claim 3**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on "a distribution server configured to distribute content including video data to a browse client".

Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1; moreover, Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1, which reads on "a browse client configured to receive the distributed content and to play back the video data included in the content onto a display screen thereof".

Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on "wherein the browse client comprises: a counting unit configured to count an extent to which a user

has played back the video data and to update extent information indicating the extent counted".

Goode discloses that the subscriber equipment (124) communicates via a reverse (or back) channel to the video session manager (106) though the cable transport network (110) and the reverse channel path (109), column 3 lines 54-57; moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "and a transmitting unit configured to transmit the extent information to the distribution server".

Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager (106) and the information server (102); moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "wherein the distribution server comprises a manage unit configured to manage an extent information transmitted from the browse client in association with the content and the user".

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on "an edit client configured to access the

distribution server and edit the content retained and managed by the distribution server".

Alcorn discloses that administrators control security permissions and enable/ disable features for numerous user roles, including an instructor user, paragraph [0021] and [0100] also exhibited on fig 39, where the instructor user is provided with an access level to enable the creation and editing of a plurality of course files associated with each course, paragraph [0021], where the course files include audio and video clips [0095], which reads on "the edit client having an edit unit configured to allow a user granted edit rights to add, delete and change the content including the video data"

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

Regarding **claim 4**, Goode discloses a session table (620) and a display control unit table (630) which includes information associated with a particular open session, including a position indicator (625) that indicates the position to which the user has watched, column 14 lines 38-54 also exhibited on fig 6, which reads on "a display

control unit configured to determine whether the content is incompletely browsed by the user or not based on the extent information".

Goode discloses that at any time during the presentation of the requested information the subscriber may request special functions to be performed, moreover the subscriber may leave the system and return to watch the program from the location where the subscriber interrupted the program, where each of these functions is accomplished by manipulating a remote control, column 5 lines 31-39 also exhibited on fig 10, where a remote control uses button to carry out user commands, which reads on "display onto the display screen a midstream playback button for playing back the video data starting at the previous stop position for the content in a case where the content is incompletely browsed by the user".

Regarding **claim 5**, Goode and Alcorn disclose everything claimed, therefore claim 5 is rejected for the same reasons stated for claim 2.

Regarding **claim 9**, Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1, which reads on "receiving a content including video data distributed from a distribution server".

Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on fig 1, which reads on "displaying and playing back the video data included in the content onto a display screen of the browse client".

Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on "counting an extent to which a user has played back the video data and updating extent information indicating the extent counted".

Goode discloses that the subscriber equipment (124) communicates via a reverse (or back) channel to the video session manager (106) though the cable transport network (110) and the reverse channel path (109), column 3 lines 54-57; moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "transmitting the extent information to the distribution server".

Alcorn discloses that administrators control security permissions and enable/ disable features for numerous user roles, including an instructor user, paragraph [0021] and [0100] also exhibited on fig 39, where the instructor user is provided with an access level to enable the creation and editing of a plurality of course files associated with each

course, paragraph [0021], where the course files include audio and video clips [0095], which reads on "granting edit rights to add, delete and change the content including the video data".

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on "accessing the distribution server and editing the content retained and managed by the distribution server".

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

Regarding **claim 10**, Goode discloses a set top terminal (118) capable of receiving information from an information server, column 20 lines 8-12 also exhibited on fig 1, which reads on "receiving a content including video data distributed from a distribution server".

Goode discloses a display device (122) such as a television, video monitor or the likes, which displays information such as video, column 4 lines 28-31 also exhibited on

fig 1, which reads on “displaying and playing back the video data included in the content onto a display screen of the browse client”.

Goode discloses a task (810) where the session control manager (220) starts and stops a count down of an accumulator associated with the view timer (624) and the information stream position (625); furthermore, Goode discloses that at step 825 the session control manager (220) updates the open session in memory, column 15 lines 55-67 and column 16 lines 1-26 also exhibited on fig 8, which reads on “counting an extent to which a user has played back the video data and updating extent information indicating the extent counted”.

Goode discloses that the subscriber equipment (124) communicates via a reverse (or back) channel to the video session manager (106) though the cable transport network (110) and the reverse channel path (109), column 3 lines 54-57; moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on “transmitting the extent information to the distribution server”.

Goode discloses a session table (620) and a display control unit table (630) which includes information associated with a particular open session, including a position indicator (625) that indicates the position to which the user has watched, column 14 lines 38-54 also exhibited on fig 6, which reads on “determining whether the content is incompletely browsed by the user or not based on the extent information”.

Goode discloses that at any time during the presentation of the requested information the subscriber may request special functions to be performed, moreover the subscriber may leave the system and return to watch the program from the location where the subscriber interrupted the program, where each of these functions is accomplished by manipulating a remote control, column 5 lines 31-39 also exhibited on fig 10, where a remote control uses button to carry out user commands, which reads on “displaying onto the display screen a midstream playback button for playing back the video data starting at the previous stop position for the content in a case where the content is incompletely browsed by the user”.

Alcorn discloses that administrators control security permissions and enable/ disable features for numerous user roles, including an instructor user, paragraph [0021] and [0100] also exhibited on fig 39, where the instructor user is provided with an access level to enable the creation and editing of a plurality of course files associated with each course, paragraph [0021], where the course files include audio and video clips [0095], which reads on "granting edit rights to add, delete and change the content including the video data”.

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on “accessing the distribution server and editing the content retained and managed by the distribution server”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements

mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

Regarding **claim 11**, Goode discloses a server (102) that provides information in response to a request from the user through the session manager, column 3 lines 27-30 also exhibited on fig 1, which reads on "distributing content including video data to a browse client".

Goode discloses that the subscriber equipment (124), primarily the set top terminal (118), communicates with the video session manager (106) via a reverse or back channel through the cable transport network (110) and the reverse channel path (109), column 3 lines 47-57 also exhibited on fig 1, moreover, Goode discloses that the network management system sends the open session information to the session control manager at task (735), column 15 lines 23-24 also exhibited on fig 7, which reads on "receiving from the browse client extent information indicating an extent to which a user has played back the video data".

Goode discloses a network manager (114) that manages the system assets and ensures synchronization of all system components, column 4 lines 33-40 also exhibited on fig 1, where the network manager (114) interacts with the video session manager

(106) and the information server (102), which reads on “managing the extent information transmitted from the browse client in association with the content and the user”.

Alcorn discloses that administrators control security permissions and enable/ disable features for numerous user roles, including an instructor user, paragraph [0021] and [0100] also exhibited on fig 39, where the instructor user is provided with an access level to enable the creation and editing of a plurality of course files associated with each course, paragraph [0021], where the course files include audio and video clips [0095], which reads on "granting edit rights to add, delete and change the content including the video data”.

Alcorn discloses a system administrator or administrator user which monitors, controls and customizes the environment in which the instructor user works, paragraph [0100] also exhibited on fig 39, which reads on “accessing the distribution server and editing the content retained and managed by the distribution server”.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Goode by specifically providing the elements mentioned above, as taught by Alcorn, for the purpose of providing different layers of security which allows the protection of data, where only an upper layer user (Administrator) can provide access to second and third layer users (Teachers / students) and in consequence the second layer of users (Teachers) can provide access to a third layer user (students).

Regarding **claims 12, 13 and 14**, Goode and Alcorn disclose everything claimed, therefore claims 12, 13 and 14 are rejected for the same reasons stated for claims 9 and 11.

Regarding **claim 15**, Goode and Alcorn disclose everything claimed, therefore claim 15 is rejected for the same reasons stated for claims 3, 4 and 9.

Regarding **claim 16**, Goode and Alcorn disclose everything claimed, therefore claim 16 is rejected for the same reasons stated for claims 9, 10 and 11.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Junior O Mendoza
Examiner
Art Unit 2609

/J. O. M./
Saturday, March 01, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623